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Congress of the United States
House of Representatives

Washington, DC 20515-3222

June 6, 2012

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
DEFENSE

INTERIOR, ENVIRONMENT, AND
RELATED AGENCIES

JOINT ECONOMIC COMMITTEE

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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must 1755*

Dear Chairman Genachowski:

On February 10, 2012 the Federal Communications Commission issued a Fourth Further Notice or Proposed Rulemaking (NPRM) and Declaratory Order, Carriage of Digital Television Broadcast Signals. The NPRM considered the upcoming expiration of the Viewability Rule. As you consider this matter, I strongly urge you to extend the Viewability Rule to allow more time for analog-only television households to continue to receive all of their local broadcast stations.

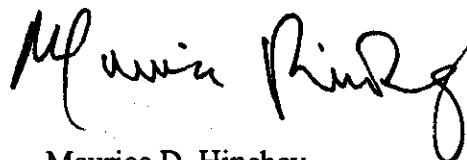
A sunset of the Viewability Rule would result in the effective repeal of must-carry for 20% of cable households and it would burden consumers with additional costs to ensure that broadcast stations are "viewable" on every set in the home. These analog-only cable subscribers are among the least able to afford additional fees, with average annual incomes of under \$50,000.

I understand the Commission may consider a voluntary agreement that could result in consumers being forced to purchase or lease additional equipment in order to view certain broadcast stations. Before the Commission considers such a rule, further analysis and public comment are required to understand the impact on consumers in terms of cost and access to programming.

Not all cable systems have transitioned to digital, but more are doing so every year. Given that, there seem to be no compelling reason to allow this rule to sunset and subject so many viewers to the loss of broadcasting choices and local diversity.

I urge the Commission to extend the Viewability Rule.

Sincerely,



Maurice D. Hinchey

19 JUN 2012 RCVD

Cc: Robert McDowell, Commissioner
Mignon Clyburn, Commissioner
Jessica Rosenworcel, Commissioner
Ajit V. Pai, Commissioner

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FEDERAL COMMUNICATIONS COMMISSION

July 26, 2012

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Maurice D. Hinchey
U.S. House of Representatives
2265 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Hinchey:

Thank you for your letter concerning the Commission's proceeding to evaluate its "viewability" rule. I appreciate your interest in this matter and have directed the Chief of the Media Bureau's Office of Communications and Industry Information to look into this matter. I am pleased to provide the enclosed correspondence discussing the disposition of this proceeding.

If you have any additional questions or need any further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in dark ink, appearing to be "J. Genachowski", is written over a horizontal line. Below the signature, the name "Julius Genachowski" is printed.

Julius Genachowski



Federal Communications Commission
Washington, D.C. 20554

July 26, 2012

IN REPLY REFER TO:
CN-1200755

The Honorable Maurice D. Hinchey
U.S. House of Representatives
2431 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Hinchey:

Thank you for your letter concerning the Commission's proceeding to review its rule governing the "viewability" of must-carry television broadcast stations to consumers who subscribe to analog and hybrid cable television service. Your views are very important and a copy of your letter will be included in the record of the proceeding.

As you may know, on June 11, 2012, the Commission unanimously adopted a *Fifth Report and Order* which concluded that, based on significant changes in the marketplace and technology, it would be in the public interest to allow the "viewability" rule adopted in 2007 to sunset. The Commission also determined that eliminating the rule would result in substantial benefits by providing cable television system operators with increased flexibility to meet consumer demands for high-definition digital programming and high-speed broadband services.

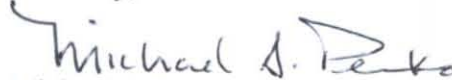
The Commission adopted several measures to help ensure that consumers who subscribe to hybrid cable television service will continue to have access to the programming provided by must-carry broadcast stations.

- *Transition Period:* Hybrid cable systems will continue to carry the analog versions of must-carry broadcast stations until December 12, 2012 to provide consumers, cable operators, and broadcasters with time to prepare for digital-only service.
- *Available and Affordable Equipment:* If a hybrid cable system decides to carry any must-carry broadcast stations in digital-only, we expect it will offer the necessary equipment to analog subscribers either at no charge or at an affordable rate that does not substantially deter use of the equipment.
- *Notice:* Cable television operators have committed to enhance their required 30-day written notice concerning service changes by: (1) informing affected subscribers that equipment will be necessary to view the must-carry signals and how the equipment may be obtained; and (2) providing broadcasters a minimum of 90 days notice before initiating any carriage changes to allow stations to help educate viewers on how to continue to access the stations' programming.

Finally, it is important to note that, while the Commission allowed its viewability rule to sunset, the statutory requirement to make must-carry stations "viewable" remains in effect. Therefore, a must-carry broadcaster who believes that a cable television system operator has failed to satisfy its carriage obligations may file a complaint with the Commission. In addition, the Commission will consider informal consumer complaints when evaluating whether a particular cable television system operator is complying with the statutory viewability requirement.

I hope this information is helpful, and please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Michael S. Perko". The signature is fluid and cursive, with a large initial "M" and a stylized "P".

Michael S. Perko

Chief, Office of Communications and Industry Information
Media Bureau